UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,656	09/05/2000	Mitsuhiro Nomi	F-6637	8113

7590 01/13/2004	EXAMINER
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ART UNIT	PAPER NUMBER
3713	12

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

` -- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

P ri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☒ Claim(s) *12-16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 September 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *11* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   The Amendment and Information Disclosure Statement filed in Papers No. 10

and 11, August 25 and October 30, 2003, respectively, have been received. According

to the Amendment, claims 1, 3-6, and 8-10 have been emended; and new claims 12-16

have been added. Currently, claims 1-16 are pending in the application.

Acknowledgment has been made.

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bolas et al. (5,513,129) in view of Sagawa et al. (6,379,244).

Bolas et al. teaches a game system comprising: voice converting means having

a voice input member (microphone 248) (Fig.6) for inputting voices and for converting

the voices input through the voice input member into electrical signal data (17:7-22); a

storage means (180) for storing the electrical signal data obtained by the voice

converting means together with predetermined sound-relating data (13:11-31); motion

detecting means (9) (Fig.2) for detecting the motions of the game player (18:3-9); a

sound generating means for generating voices from the corresponding electrical signal

data based on the motions of the game player (17:6-22; 18:16-67; 19:1-50); the sound

generating means includes a data processing means (245) (Fig.6) for processing the

electrical signal data of the voices and generates voices corresponding to the electrical

signal data processed by the data processing means; the data processing means

includes at least one of a frequency modulating function; an amplitude modulating

function, a function of changing the sound level of voices lying within at least part of

frequency ranges divided at specified intervals, a function of thinning out sound lying

within part of the frequency ranges, and a function of expanding and compressing at

least part of sound waves with respect to a time axis (Fig.3; 9:41-10:65); a second

storage means (audio tape for recording sounds) (180) in addition to the storage

means, wherein a second electrical signal data stored in the second storage means is

stored in the storage means, and the sound generating means generates a sound

corresponding to the second electrical signal data; the data processing means (7)(Fig.1)

processes the second electrical signal data, and the sound generating means (5) (Fig.4)

generates a sound based on the processed second electrical signal data; a changing

means for changing a degree of data processing by the data processing means,

wherein the changing means changing the degree of data processing applied to at

least one of the electrical signal data and the second electrical signal data to achieve a

change in sound of the voices which are generated (11:44-12:62); sounds relating to the

second electrical signal data and background sound are stored in the second storage

means, and the sound generating means outputs the background sounds without

modification (10:52-11:43). Note that, the limitation of an instruction regarding timing to

input a voice to the voice input member of the voice converting means is displayed on the display screen at a specified moving speed (claim 10) is inherent from timing process or time track of Bolas et al.'s system. Further, the limitation of sound generating means generates a predetermined sound corresponding to the electrical signal data instead of generating a voice if no voice is input to the voice input member of the voice converting means (claim 11) is inherent from Bolas et al.'s sound generating means which comprises different types of audio inputs.

Bolas et al. does not teach the limitations of: game player makes motions in response to contents of instructions displayed on a display screen, the game system generating predetermined sounds corresponding to the contents of instructions; a sound generating means for generating voices from the corresponding electrical signal data based on the motions of the game player corresponding to the contents of instructions when the game player makes motions in response to the contents of instructions. (claim 1); a signal generating means for generating a signal based on the motion made by the game player, wherein the sound generating means outputs a sound when the signal generating means generates a signal within a predetermined period with respect to a timing instruction (claim 4); said timing instruction is given by a first mark, displayed on the display screen, which is stationary and a second mark, displayed on the display screen, which is movable with respect to the first mark and the timing instruction is when the first mark and the second mark coincide to each other (claim 12).

Sagawa et al., however, teaches a musical action game machine comprising game player makes motions in response to contents of instructions displayed on a

display screen (6:65-7:45; figs. 9, 10), the game system generating predetermined

sounds corresponding to the contents of instructions (Figs.1-8); a sound generating

means for generating voices from the corresponding electrical signal data based on the

motions of the game player corresponding to the contents of instructions when the

game player makes motions in response to the contents of instructions (11:62-12:12); a

signal generating means for generating a signal based on the motion made by the game

player, wherein the sound generating means outputs a sound when the signal

generating means generates a signal within a predetermined period with respect to a

timing instruction (1:23-25; 1:56-2:25); said timing instruction is given by a first mark

(fixed performance operation PP, fig.10; 14:40-51), displayed on the display screen,

which is stationary and a second mark (index mark 68, 69; fig. 9; 14:28-39), displayed

on the display screen, which is movable with respect to the first mark and the timing

instruction is when the first mark and the second mark coincide to each other (2:26-40;

4:21-51; 6:29-44; 14:40-51).

In would have been obvious to a person of ordinary skill in the art at the time of

the invention was made to provide the game system of Bolas et al. a method for

displaying game instructions and evaluations, as taught by Sagawa et al., to enhance

reality in an interactive musical system that attract more players to the game thus

increase profit.

4.　　　Claims 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5.　　　Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection. Applicants' argument regarding Bolas et al. not teaching the limitation of sound generating means, which generates voices from the corresponding electrical signal data based on motions of the game player, is not convincing. This limitation has been taught by Bolas et al. (17:6-22; 18:16-67; 19:1-50), as being addressed above, wherein a microphone has been used. Further, the amended limitation of motion detecting means is met by Bolas et al.'s teaching of glove with sensors (input device 9) (Fig. 1).

6.　　　Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Friday.

　　　If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1148.

BN

Teresa Walborg
Supervisory Patent Examiner
Group 3700